

STATE OF MAINE  
SUPREME JUDICIAL COURT

ADMINISTRATIVE ORDER JB-10-1

ESTABLISHMENT OF THE BANGOR UNIFIED CRIMINAL DOCKET

Effective: January 4, 2010

I. SCOPE AND PURPOSE

The Bangor Unified Criminal Docket (UCD) shall be a pilot project implementing a new model for processing criminal actions and certain associated civil violation actions.

The goals of the UCD are (1) to promote the prompt and fair resolution of cases through early information sharing, early access to appointed counsel for indigent defendants, and judicial attention to the case resolution process; and (2) to promote efficiency by eliminating the duplicative clerical workload created by the current system of case transfer between the District Court and the Superior Court and by reducing the number of court appearances required to process individual cases.

II. CASE ASSIGNMENT

The following case types are hereby assigned to the UCD:

- A. All Class C or higher crimes arising in Penobscot County;
- B. All Class D and Class E crimes arising in the Third District, Division of Southern Penobscot;
- C. All civil violation actions arising in the Third District, Division of Southern Penobscot and all civil violation actions arising in other parts of Penobscot County if they arise out of the same incident or occurrence as a Class C or higher crime;
- D. All matters involving revocation of a suspended sentence of imprisonment or a sentence to community supervision such as revocation of probation proceedings, revocation of administrative release proceedings, and revocation of supervised release proceedings, as well as enforcement of fines and restitution, and

similar matters arising in the cases listed in paragraphs (A), (B) and (C) above;

- E. Arrest warrant applications involving the offenses or case types set forth in paragraphs (A) and (B) above;
- F. All Class D or Class E crimes arising in the Third District, Division of Western Penobscot (Newport), Thirteenth District, Division of Central Penobscot (Lincoln), and Thirteenth District, Division of Northern Penobscot (Millinocket) District Courts that are transferred for jury trial, and all civil violation actions arising out of the same incident or occurrence as the transferred action;
- G. All petitions for post-conviction review involving judgments of conviction for crimes that occurred in Penobscot County or that, pursuant to an order for change of venue, were entered in Penobscot County;
- H. Actions on cases that meet the criteria set forth above but that were commenced before the implementation of the UCD, whether or not the case was pending when the UCD was implemented (e.g., trial of a case commenced before the implementation of the UCD or a probation revocation on a case that was disposed of by conviction prior to the implementation of the UCD); and
- I. Actions on cases transferred to Penobscot County after the effective date of this order.

### III. IMPLEMENTATION AND OPERATION

The Chief Justice of the Superior Court shall designate Superior Court Justices to sit on the UCD, and the Chief Judge of the District Court shall designate District Court Judges to sit on the UCD. Those Justices and Judges are hereby authorized to organize and implement the UCD.

### IV. RULES

The UCD shall be governed by the Unified Criminal Docket Rules of Procedure - Bangor (U.C.D.R.P. - Bangor), promulgated by the Supreme Judicial Court as part of this Order and attached hereto as Exhibit A. The U.C.D.R.P. - Bangor differ generally from the Maine Rules of Criminal Procedure in that they eliminate the distinctions between the functions of the District and Superior Courts in their handling of criminal matters and civil violations. For the duration of this project, all of those matters will be handled by the Unified Criminal Docket

through the consolidated clerk's office for the Penobscot County Superior Court and the Third District, Division of Southern Penobscot District Court. In addition, the following changes have been made to effect the procedures and goals of the project:

- A. M.R. Crim. P. 1 is amended to define and explain the UCD;
- B. M.R. Crim. P. 3 is amended to add the requirement that all complaints contain statute sequence number (SSN);
- C. M.R. Crim. P. 5 and 5B are eliminated. U.C.D.R.P. 5 - Bangor explains new procedures for initial appearance, including eradication of need for jury trial requests;
- D. M.R. Crim. P. 7(g) is added to require that all indictments contain statute sequence number (SSN);
- E. M.R. Crim. P. 11(c), (d), and (e) are amended to clarify that those provisions apply only to pleas involving felony charges. M.R. Crim. P. 11(f) is eliminated;
- F. M.R. Crim. P. 11A is amended to reflect a more active role of the court in management and resolution of cases;
- G. M.R. Crim. P. 12 is amended to reflect a new procedure for substantive motions. These motions will no longer be filed with the court, but must be served on the State no later than ten days before the dispositional conference. If the matter is resolved at the dispositional conference, without need for a motion hearing, the motion need never be filed with the court. If, however, the case is not resolved, and the motion must be heard, the motion is to be filed with the clerk's office no later than the next court day following the dispositional conference;
- H. M.R. Crim. P. 16 is amended to reflect the State's increased obligations concerning discovery;
- I. M.R. Crim. P. 16A is amended to reflect the new timeframes imposed on the defendant's provision of discovery information;

J. U.C.D.R.P. 18 is added to explain procedures for dispositional conferences;

K. M.R. Crim. P. 22 is deleted. All unresolved cases will be tried to juries, unless the defendant chooses to waive his or her jury trial and elects to have a bench trial;

L. M.R. Crim. P. 23 is amended to indicate that all unresolved criminal cases will be tried to juries, unless the defendant chooses to waive his or her jury trial and elects to have a bench trial;

M. M.R. Crim. P. 35(f) is amended to delete the reference to appeals from rulings by District Court judges to Superior Court justices on requests for reductions to or corrections of sentences;

N. M.R. Crim. P. 36 and 36D are deleted, and replaced with U.C.D.R.P. 36. This change reflects the unified handling of criminal matters through the UCD. Appeals from the Third District, Division of Western Penobscot and Thirteenth District, Divisions of Central and Northern Penobscot will be governed by M.R. Crim. P. 36 and 36A. M.R. Crim. P. 36B and 36C relate only to juvenile matters, which are not part of the UCD;

O. M.R. Crim. P. 43 is amended to indicate that the defendant must be present for the dispositional conference;

P. M.R. Crim. P. 44C is amended to indicate that all requests for funds by court-appointed counsel will be deemed ex parte, and need not be served on the State;

Q. M.R. Crim. P. 65 is amended to indicate which post-conviction cases will be heard in the UCD;

R. U.C.D.R.P. 100 is added to explain the procedure to be used for civil violation charges heard in the UCD; and,

S. U.C.D.R.P. 101 is added to explain the procedure for search warrants for Schedule Z drugs.

## V. REVIEW

The Supreme Judicial Court may conduct, or cause to be conducted, a periodic review of the UCD - Bangor, including its purpose, goals, and operations, and shall make and implement such further recommendations as it deems appropriate under the circumstances.

For the Court,

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Leigh I. Saufley  
Chief Justice

Promulgation Date: January 5, 2010